

NATALIE K. WIGHT, OSB #035576  
United States Attorney  
District of Oregon  
**GAVIN W. BRUCE, OSB #113384**  
Assistant United States Attorney  
[Gavin.Bruce@usdoj.gov](mailto:Gavin.Bruce@usdoj.gov)  
405 E 8<sup>th</sup> Avenue, Suite 2400  
Eugene, OR 97401  
Telephone: (541) 465-6771  
Attorneys for United States of America

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**6:22-cr-00262-MC**

**v.**

**MICHAEL MALEKZADEH and  
BETHANY MOCKERMAN,**

**GOVERNMENT'S MOTION FOR  
ALTERNATIVE VICTIM  
NOTIFICATION UNDER  
18 U.S.C. § 3771(d)(2)**

**Defendants.**

The United States of America hereby respectfully moves this Court, pursuant to Title 18, United States Code, Section 3771(d)(2), for authorization to employ the victim notification procedures described below, in lieu of those prescribed by section 3771(a), (b) and (c), on the grounds that the number of crime victims in this case makes it impracticable to accord all of the crime victims the rights described in subsection 3771(a).

/ / /

/ / /

**Government's Motion for Alternative Victim Notification**

**Page 1**  
Revised July 2022

The Crimes Victims' Rights Act ("the Act"), codified at 18 U.S.C. § 3771, provides certain rights to victims in federal criminal proceedings. Among these rights is the right to "reasonable, accurate, and timely notice" of public court proceedings. 18 U.S.C. § 3771(a). The Act requires "[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation and prosecution of crime make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection [3771](a)," 18 U.S.C. § 3771(c)(1), and it instructs the Court to "ensure that the crime victim is afforded" those rights. 18 U.S.C. § 3771(b). The Act defines a crime victim as "a person directly and proximately harmed as a result of the commission of a Federal offense . . ." 18 U.S.C. § 3771(e). Importantly, the Act recognizes that for crimes involving multiple victims, the Court has discretion to adopt procedures to accord victim rights without unduly interfering with the criminal proceedings. Thus, 18 U.S.C. § 3771(d)(2) provides:

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

The Act places no limitations on the alternative procedures which a Court may fashion other than that the procedures be reasonable to effectuate the Act and that they not unduly complicate or prolong the proceedings. *Id.*

Defendants are charged in three-count information with Wire Fraud, Conspiracy to commit Bank Fraud, and Money Laundering. Defendant Malekzadeh established a nationwide customer base by selling online limited edition and collectable sneakers. By or near the Fall of 2020, Malekzadeh began advertising, selling, and collecting payments from victims for preorder sneakers knowing he could not satisfy all orders placed. Malekzadeh's scheme resulted in

customers sending him significant sums of money and never receiving product. Initial estimates place the number of Zadeh Kick customers, and therefore potential victims, at well over 15,000.

This number of victims make compliance with the notification requirements outlined in section 3771(a), (b) and (c) impracticable. Neither the government nor the Court has the resources to accord all of the victims in this case the notice required by subsection 3771(a). Therefore, due to the large number of victims in this case, the Government intends to use the Justice Department's website for large cases, <http://justice.gov/largecases/>, to direct victims to a case-specific website where all required notices will be posted.

The government has issued a prior press release in the case which directs potential victims to visit [FBI.gov/ZadehKicks](http://FBI.gov/ZadehKicks) to complete a questionnaire. The website the government intends to use will include this information regarding the FBI website as well, and refer individuals who believe they may be victims complete the questionnaire. Victim notification at the corrections stage will be provided through the Bureau of Prisons' website, [www.bop.gov](http://www.bop.gov).

## CONCLUSION

Based on the foregoing, the government requests the Court grant the motion for alternative victim notification procedures.

Dated: September 16, 2022

Respectfully submitted,

NATALIE K. WIGHT  
United States Attorney

/s/ Gavin W. Bruce  
GAVIN W. BRUCE, OSB #113384  
Assistant United States Attorney